

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

KATHRYN GAY,

Plaintiff,

v.

CHILDREN’S HOSPITAL OF
PHILADELPHIA, ELENI LANTZOUNI,
JENNIFER LOUIS-JACQUES, MICHELE
ZUCKER, LEELA JACKSON, MORTIMER
PONCZ, AND ALAN R. COHEN

Defendants.

Case No. 2:18-cv-02880-NIQA

ORDER

AND NOW, this _____ day of _____, 2023, upon consideration of Defendant’s Motion for an Award of Attorneys’ Fees and Costs, and any response thereto, it is **HEREBY ORDERED** that the Motion is **GRANTED**.

IT IS FURTHER ORDERED that Plaintiff Kathryn Gay shall pay Dilworth Paxson LLP’s attorneys’ fees in the amount of \$497,497.95, and costs in the amount of \$47,419.56 within thirty (30) days from the date of this Order.

The Honorable Nitza Quiñones Alejandro

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**DEFENDANTS' MOTION FOR AWARD OF ATTORNEYS' FEES
AND COSTS PURSUANT TO FED.R.CIV.P. 54(d)(2) and 42 U.S.C. § 1988**

Defendants, Children's Hospital of Philadelphia, Eleni Lantzouni, Jennifer Louis-Jacques, Michele Zucker, Leela Jackson, Mortimer Poncz, and Alan R. Cohen ("CHOP" or "Defendants"), through undersigned counsel, respectfully move this Court for an award of attorneys' fees and costs pursuant to Fed.R.Civ.P. 54(d)(2) and 42 U.S.C. §1988. In support of this motion, CHOP relies upon its accompanying Memorandum of Law, Declaration of Lawrence G. McMichael, Esq. and supporting documentation attached thereto.

Dated: June 29, 2023

/s/ Lawrence G. McMichael
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**DEFENDANTS' MEMORANDUM OF LAW IN SUPPORT OF DEFENDANTS'
MOTION FOR AN AWARD OF ATTORNEYS' FEES AND COSTS**

Dated: June 29, 2023

/s/ Lawrence G. McMichael

DILWORTH PAXSON LLP

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Defendants, Children’s Hospital of Philadelphia, Eleni Lantzouni, Jennifer Louis-Jacques, Michele Zucker, Leela Jackson, Mortimer Poncz, and Alan R. Cohen (“CHOP” or “Defendants”), by and through their undersigned counsel, hereby submit this memorandum of law in support of its Motion for an Award of Attorneys’ Fees and Costs (“Motion”) pursuant to Fed.R.Civ.P. 54(d)(2) and 42 U.S.C. § 1988. For the reasons set forth below, CHOP respectfully requests this Court to award it the attorneys’ fees and costs incurred by its counsel, Dilworth Paxson LLP.

I. INTRODUCTION

Initially *pro se*, Plaintiff filed this federal civil rights suit against Children’s Hospital of Philadelphia and seven of its doctors¹ — all private actors — alleging that the Defendants held her daughter, Kalina, in the hospital against Plaintiff’s will and on behalf of government child-protective services in violation of her federal constitutional parental rights. This Court permitted Plaintiff to proceed on that claim alone pursuant to 42 U.S.C. § 1983 after dismissing *sua sponte* numerous civil and criminal claims brought in her initial complaint.

Plaintiff’s cause of action has never at any point in this litigation been supported by fact or law—as demonstrated by a quickly returned unanimous defense verdict and judgment at trial. [See ECF 268, 269.] There was no government involvement in CHOP’s care of Plaintiff’s daughter. The sole government witness called by the Plaintiff admitted that her agency gave CHOP no direction or suggestions with respect to how to treat Kalina or how long to keep her in the hospital. Plaintiff’s daughter was voluntarily admitted—by the Plaintiff—to CHOP to receive medically necessary treatment for uncontrolled anorexia that left the child so malnourished that, among other reasons warranting urgent medical treatment, her heart was not beating properly. The jury quickly found that there was no state action, and by extension no violation of Plaintiff’s parental rights,

¹ The individually named doctor defendants — Drs. Eleni Lantzouni, Jennifer Louis-Jacques, Michele Zucker, Leela Jackson, Katie Hoeveler (deceased, and dismissed by consent of the parties [see ECF 259]), Mortimer Poncz, and Alan R. Cohen.

and no recoverable damages. [ECF 268]. As was made clear by the jury, CHOP is merely an innocent bystander and unfortunate target of Plaintiff's misguided attempts to create a false narrative of what really happened.

II. FACTUAL AND PROCEDURAL BACKGROUND

The Supreme Court, in *Fox v. Vice*, held that “§ 1988 authorizes a district court to award attorney's fees to a defendant upon a finding that the plaintiff's action was frivolous, unreasonable, or without foundation.” 563 U.S. 826, 833 (2011). (internal quotation omitted.) This case has always been frivolous. The jury made that clear in their verdict, based upon the fact that Plaintiff presented no evidence of state action. Despite pleading that CHOP was acting as part of the “enforcement machinery for DHS” rendering CHOP a “state actor” [Amended Complaint, ECF 6 at p.9], Plaintiff admitted at trial, consistent with her deposition², that there was no evidence of state action.

On June 15, 2023, a jury recognized what Plaintiff has acknowledged for years – that CHOP was and is a private actor engaging in private activity and providing private medical care to a private individual. There simply is, and never was, a hint of state action present anywhere in this case. At trial, Plaintiff called Janee Johnson, an employee of Philadelphia DHS, and the only government employee to testify. Ms. Johnson testified that (1) her agency did not instruct anyone at CHOP to hold Kalina in the hospital; and (2) her agency did not instruct anyone at CHOP to admit Kalina or care for Kalina. [Trial Transcript - Day 1³ at 83:23-84:11]. Similarly, Plaintiff testified that “what the government instructed CHOP to do or not to do, I do not know” and that

² In Plaintiff's deposition, she stated that she had “no evidence” regarding “any Child Protective Services organization demanding that CHOP hold [her] daughter.” [K. Gay Dep. 49:18-24.]

³ Reference herein to “Trial Transcript – Day 1” refers to the transcript of testimony occurring on June 12, 2023; “Trial Transcript – Day 2” refers to the transcript of testimony occurring on June 13, 2023; “Trial Transcript – Day 3” refers to the transcript of testimony occurring on June 14, 2023; and “Trial Transcript – Day 4” refers to the transcript of testimony occurring on June 15, 2023.

she had “no information on that.” [Trial Transcript – Day 2 82:23-24, 83:1.] And that notwithstanding this Court’s Order and Opinion dismissing Plaintiff’s initial complaint [ECF 4] which explicitly ruled that mandatory reporting (or the failure to do so) by anyone at CHOP is not state action,⁴ she attempted to make her case at trial, in part, on that basis. Plaintiff has conceded for years that she has no evidence for the first element of a Section 1983 claim and produced none at trial.

Similarly, Plaintiff had no credible claim that any of the Defendants interfered in her parental rights during her daughter’s hospitalization. Plaintiff freely admitted at trial that despite accusing Defendants of holding her daughter, she signed multiple consent forms authorizing CHOP to treat her daughter. [Trial Transcript – Day 2 at 54:13-21; 57:9-25; Trial Exhibit D24, D25.] Further, Plaintiff testified that she never demanded discharge of her daughter based upon the advice of her family-law attorney. [Trial Transcript - Day 2 at 78:2-13.]

Based upon the complete absence of any evidence supporting the foundational element of her §1983 claim – state action – Defendants request attorneys’ fees and costs pursuant to Fed.R.Civ.P. 54(d)(2) and 42 U.S.C. § 1988 for this knowingly frivolous and unreasonable litigation that has never been supported by fact or law.

III. ARGUMENT

A. 42 U.S.C. §1988 Permits an Award of Attorneys’ Fees and Costs to Defendants Based upon a Finding That Plaintiff’s Case Was Frivolous.

“42 U.S.C. § 1988, allows the award of ‘a reasonable attorney’s fee’ to ‘the prevailing party’ in various kinds of civil rights cases, including suits brought under § 1983.” *Fox v. Vice*, 563 U.S. 826, 832–33 (2011). The United States Supreme Court has made clear that, as a baseline, prevailing party status requires some “judicially sanctioned change in the legal relationship of the

⁴ See *Gay v. Children’s Hosp. of Philadelphia*, No. 18-CV-2880, 2018 WL 3447173, at *5 (E.D. Pa. July 16, 2018)

parties.” *Buckhannon Bd. & Care Home, Inc. v. W. Virginia Dep’t of Health & Human Res.*, 532 U.S. 598, 605 (2001). In setting forth the parameters of this rule, the Court stated that judgments on the merits create the sort of “material alteration of the legal relationship of the parties” necessary to permit an award of attorney’s fees. *Id.* at 604 (internal citation omitted). Here, the judgment of this Court [ECF 269] established Defendants as prevailing parties.

While most “decisions addressing [§1988] have concerned the grant of fees to prevailing plaintiffs,” the Supreme Court “held that § 1988 also authorizes a fee award to a prevailing defendant” *Fox*, at 833. “Congress sought to protect defendants from burdensome litigation having no legal or factual basis” and “[a]ccordingly, § 1988 authorizes a district court to award attorney’s fees to a defendant upon a finding that the plaintiff’s action was frivolous, unreasonable, or without foundation.” *Id.* (internal quotation omitted.) Notably, “it is not necessary that the prevailing defendant establish that the plaintiff had subjective bad faith in bringing the action in order to recover attorney’s fees. Rather, the relevant standard is objective.” *Barnes Found. v. Twp. of Lower Merion*, 242 F.3d 151, 158 (3d Cir. 2001) (citing *Hughes v. Rowe*, 449 U.S. 5, 14 (1980).)

Here, Plaintiff had only one claim, a federal civil rights claim under Section 1983. Section 1983 liability flows exclusively from acts of the state or a private person or entity who acts “under color of any statute, ordinance, regulation, custom, or usage, of any State.” Plaintiff initiated and pursued this matter through to a jury verdict knowing that she did not possess evidence of state action. Plaintiff called one witness at trial from the government and she testified that her agency was not involved and did not direct in any way the treatment of Kalina. As such, the case, in its entirety, was without foundation, unreasonable, and frivolous. CHOP was forced to divert substantial financial and personnel resources away from its mission to treat sick children to defend against this baseless suit through five years of litigation and through a jury verdict.

Courts have “relied on several factors in determining whether a plaintiff’s unsuccessful civil rights claim was frivolous.” *Barnes Found. v. Twp. of Lower Merion*, 242 F.3d 151, 158 (3d Cir. 2001). These factors include “whether [1] the plaintiff established a prima facie case, [2] the defendant offered to settle, [3] the trial court dismissed the case prior to trial or the case continued until a trial on the merits[,]” (4) “whether the question in issue was one of first impression requiring judicial resolution, [5] the controversy is based sufficiently upon a real threat of injury to the plaintiff, [and 6] the trial court has made a finding that the suit was frivolous under the Christiansburg guidelines, and the record supports such a finding.” *Id.* “These considerations, however, are merely guidelines, not strict rules; thus determinations regarding frivolity are to be made on a case-by-case basis.” *Id.*

The Third Circuit has upheld the award of attorney’s fees to a prevailing defendant in actions, like Plaintiff’s, which were brought under §1983. In *Arneault v. O’Toole*, 718 Fed. Appx. 148 (3d Cir. 2017), the Pennsylvania Gaming Control Board was the prevailing defendant in suit alleging civil rights violations and related wrongdoing in connection with the licensing and operation of a casino. Among the *Barnes* factors considered by the court were that it was not a matter of first impression, and plaintiffs failed to present a prima facie case. *Id.* at 152. Like here, Plaintiffs’ “amended complaint contained a significant number of factual allegations.” *Id.* However, also like here, “the presence of many factual allegations does not alone prohibit a finding of frivolousness. The relevant inquiry is how the alleged facts contribute to the legal theories underpinning the plaintiffs’ claims.” *Id.* (emphasis added.) Here, despite a plethora of peripheral facts, none of them supported the necessary state action requirement of Plaintiff’s §1983 claim.

Similarly, in *Bricklayers & Allied Craftworkers v. ARB Construction, Inc.*, No. 13-3883, 2016 WL 4943254, *8 (E.D. Pa. Sep. 15, 2016), this Court granted attorney’s fees to a prevailing defendant because the plaintiff offered no admissible evidence to establish an element of the right

to relief. *Bricklayers* has particular symmetry with the case at bar. In *Bricklayers*, Plaintiff brought a §1981 claim, which requires Plaintiff to “establish the following elements: (1) racial identity; (2) an intent to discriminate on the basis of race by the defendant; and (3) discrimination concerning one or more of the activities enumerated in section 1981.” *Id.* at *7. The court recited that Plaintiff “has pointed to no evidence of record to support [Plaintiff’s] belief that she was being discriminated against,” other than Plaintiff’s “conclusory statement during her deposition that she sensed she was being discriminated against.” *Id.*

Unlike the case at bar, however, Plaintiff in *Bricklayers* voluntarily dismissed its §1981 claims before the deadline for filing summary judgment motions. Here, CHOP was forced to endure years of litigation and cost as a result of Plaintiff’s frivolous crusade. In awarding Defendants their fees under §1988, this Court noted that “[d]espite the very obvious nonexistence of any evidence to support its claim, ARB continued to let stand its section 1981 claim up until just days before summary judgment motions were due.” *Id.* at *8. Here, Plaintiff did not abandon her claim once faced with the “obvious nonexistence of any evidence to support” it, and thus CHOP has had to endure much worse through trial.

Courts regularly find cases to be frivolous where Plaintiff has no evidence to prove its claims. *See E.E.O.C. v. L.B. Foster Co.*, 123 F.3d 746, 751 (3d Cir. 1997) (discussing that cases where findings of ‘frivolity’ have been sustained include those where “the plaintiffs did not introduce any evidence to support their claims”); *Zissu v. Bear, Stearns & Co.*, 805 F.2d 75, 80 (2d Cir. 1986) (discussing that Plaintiff’s “claims should have been withdrawn once it became plain that there was no proof to establish them. As a result of plaintiff’s failure to withdraw these unsupported assertions, defendants were compelled to prepare and conduct a defense on allegations for which plaintiff presented no proof”) (internal citation omitted); *Christiansburg Garment Co. v. Equal Emp. Opportunity Comm’n*, 434 U.S. 412, 422, (1978) (holding that a

plaintiff should be assessed his opponent's attorney's fees if "plaintiff continued to litigate" after her claim clearly became "frivolous, unreasonable, or groundless"); *Mekosh v. Hilltown Twp. Municipality*, No. CIV.A.07-4260, 2009 WL 1460777 (E.D. Pa. May 26, 2009) (in awarding attorneys' fees to defendants, holding that "plaintiffs had no basis to allege the existence" of knowingly false facts and that "[t]he plaintiffs' allegation is therefore sufficiently 'unreasonable' and 'without foundation' to justify the award of fees"); *Flowers v. Jefferson Hosp. Ass'n*, 49 F.3d 391, 392 (8th Cir. 1995) (in awarding fees under §1988 stating that plaintiff "should have known from pre-trial discovery that his section 1981 claim was unreasonable, without foundation, and based purely on speculation"); *Hutchinson v. Staton*, 995 F.2d 1076, 1081 (4th Cir. 1993) ("defendants were forced for several years, and at great expense, to fend off a claim that proved to be factually baseless. Plaintiffs are properly liable for fees.")

B. This Court Should Find That Plaintiff's Case Was Frivolous.

Plaintiff's §1983 claim was frivolous because there was no state action. At trial, Plaintiff made no attempt to prove state action, a necessary element of her claim, admitting that there was no governmental involvement of any kind with respect to Defendants' care provided to Kalina [Trial Transcript – Day 2, at 82:15-83:1.] Furthermore, Plaintiff's claim against Defendant Children's Hospital of Philadelphia was never viable, as a private entity cannot be liable under Section 1983 for the acts of its employees absent evidence of an official policy promulgated by an identified final decision maker under *Monell v. Dep't of Soc. Servs. of City of New York*, 436 U.S. 658, 659 (1978). Again, Plaintiff made no attempt to prove such a policy.

Plaintiff admitted she has no evidence otherwise, that "what the government instructed CHOP to do or not to do, I do not know." [Trial Testimony – Day 2, at 82:23-24.] Further, Plaintiff's only DHS witness testified that DHS had no involvement in Kalina's medical care. [Trial Transcript - Day 1 at 83:23-84:11.] Plaintiff's admission, this trial testimony, and Plaintiff's

wild speculation are not evidence of state action and are legally insufficient to save her claim from the label “frivolous.” There is no evidence from which a jury reasonably could find that any Defendant was a state actor that violated Plaintiff’s parental rights.

While the total absence of any proof of state action is sufficient to find the Plaintiff’s claim frivolous, the frivolousness of Plaintiff’s claim is further demonstrated by other evidence at trial, or the lack thereof. Plaintiff admitted that she signed two consents for her daughter’s hospital treatment [Trial Transcript – Day 2, at 54:20-21; 56:6-7; 57:9-21; Trial Ex. D24, D25.] She admitted that she never requested that her daughter be discharged on the advice of her family law lawyer. [Trial Transcript – Day 1 at 199:2-20]. While complaining of the involvement of her “abusive” ex-husband, she handed CHOP a copy of a consent order for joint legal custody that she agreed to – which permitted his involvement. [Trial Transcript – Day 1 at 173:5-17; 175:2-8; Trial Ex. D49.] Plaintiff never offered any evidence of any economic losses or medical damages – or expert testimony linking any such loss to any of Defendant’s actions.

Even if there had been some evidence of state action, Plaintiff’s claim remained frivolous at multiple other levels including Plaintiff’s expert, Dr. King, who admitted that Kalina satisfied some criteria for the medically necessary hospitalization for an anorexia patient, including: (1) significant weight loss, (2) orthostasis by heart rate (large changes in heart rate laying down to standing), and (3) failure of outpatient treatment. [Trial Transcript – Day 1 at 152:9-11; 159:14-16; 161:20-21.]

CHOP never refused to discharge Kalina, but rather advised Plaintiff that in the medical opinion of CHOP eating disorder experts, further treatment was required. Plaintiff’s false narrative was supported by no evidence and simply did not happen, rendering her claim frivolous.

(1) Plaintiff Has Always Been Aware That No Defendant Engaged in Any Conduct As a State Actor or Under Color of State Law.

The United States Court of Appeals for the Third Circuit has provided three tests to determine when a private individual or entity, such as Defendants, engages in conduct as a state actor:

(1) whether the private entity has exercised powers that are traditionally the exclusive prerogative of the state; (2) whether the private party has acted with the help of or in concert with state officials; and (3) whether the state has so far insinuated itself into a position of interdependence with the acting party that it must be recognized as a joint participant in the challenged activity.

Kach v. Hose, 589 F.3d 626, 646 (3d Cir. 2009) (internal alterations, quotations, and citations omitted). Under each of these tests, “[t]he inquiry is fact-specific.” *Id.* (quoting *Groman v. Twp. of Manalapan*, 47 F.3d 628, 638 (3d Cir. 1995)). As to second and third prongs of the *Kach* analysis, Plaintiff has admitted in both her trial testimony and her deposition that there is no evidence of any state actor helping any Defendant, directing any Defendant, or jointly participating with any Defendant in the alleged deprivation of Plaintiff’s Constitutional rights. [Trial Transcript – Day 2 82:23-24, 83:1; K. Gay Dep. 49:18-24.]

As to the first ‘exclusive prerogative’ prong, this Circuit has previously stated that “this test imposes a rigorous standard that is rarely . . . satisfied.” *Robert S. v. Stetson Sch., Inc.*, 256 F.3d 159, 165 (3d Cir.2001) (Alito, J.). *Accord Leshko v. Servis*, 423 F.3d 337, 347 (3d Cir. 2005) (the “exclusive public function requirement is a rigorous standard that is rarely satisfied.”) In order to determine whether a function is the exclusive prerogative of the state, courts look to the historical practice of the particular state at issue. *Leshko*, at 343 n.4 (3d Cir. 2005) (citing *American Mfrs. Mut. Ins. Co. v. Sullivan*, 526 U.S. 40, 55–57, (1999)).

As it pertains to the allegations that were before this Court, in *Kia P. v. McIntyre*, 235 F.3d 749 (2d Cir. 2000), the Second Circuit accurately restated binding precedent from the United States Supreme Court, correctly explaining that “insofar as [a] Hospital and its employees rendered

medical care to [plaintiff] and her newborn daughter, the Hospital was therefore not a state actor.” *Id.* at 756. That is the black-letter law, that medical decisions of private medical professionals concerning care, discharge, and/or transfer of patients are not state action. *See, e.g., Blum v. Yaretsky*, 457 U.S. 991, 1008 (1982) (holding that nursing home discharge and transfer “decisions [that] ultimately turn on medical judgments made by private parties according to professional standards that are not established by the State” are not state action).

Among other things, that principle is based upon the idea that decisions in day-to-day hospital care are not “the kind of decisions traditionally and exclusively made by the sovereign for and on behalf of the public.” *Id.* at 1012. It also comports with the related principle that disagreements about the appropriateness of medical treatment are not actionable under Section 1983. *See, e.g., Monmouth Cnty. Corr. Institutional Inmates v. Lanzaro*, 834 F.2d 326, 346 (3d Cir. 1987) (“[M]ere allegations of malpractice do not raise issues of constitutional import.”) Plaintiff produced neither testimony nor other evidence that any of the CHOP Defendants were acting at the behest of or in conjunction with the government or that CHOP was performing a traditional governmental function.

Plaintiff needed to prove that each Defendant individually satisfied the test set forth by *Kach*, yet knew all along that she had no evidence to support her claim that any of the Defendants were “state actors.” The doctors who provided care to Kalina had no communication with DHS regarding admitting, holding, discharging, or caring for Kalina

Janee Johnson, who works for Philadelphia DHS and testified in Plaintiff’s case, stated clearly that her agency was not involved in Kalina’s admission or care at CHOP and gave no orders or suggestions to CHOP. [Trial Transcript - Day 1 at 83:23-84:11.] When, like here, doctors were providing medical care, and the child is not medically cleared for discharge, they are *per se* not state actors. *See Kia P. v. McIntyre*, 235 F.3d 749, 757 (2d Cir. 2000) (explaining that when

hospital was “treating [the child] as its medical patient” and “had not declared her ready for release,” the hospital was “a private actor providing medical care”). Kalina was being treated as CHOP’s medical patient and was not ready for release until Renfrew informed CHOP on July 1, 2016 that it was able to accept Kalina as a patient – and she was discharged from CHOP that same day.

Plaintiff also knew in 2018 that this Court held that “the Defendants do not become state actors solely because, as mandated reporters under state law, they reported or failed to report suspected child abuse.” *Gay v. Children’s Hosp. of Philadelphia*, No. 18-CV-2880, 2018 WL 3447173, at *5 (E.D. Pa. July 16, 2018). As a mandatory reporter under Pennsylvania law, Dr. Poncz was required to file a report with the state to allow the state to investigate. This report occurred in May 2016, weeks before and unrelated to the hospitalization. [Trial Transcript, Day 1 at 64:19-21; Day 2 at 111:21-112:2.] The Court long ago already determined that Dr. Poncz’s mandated report was not state action, so Plaintiff knew five years ago that she was not permitted to base her case on that fact – but did so anyway. And not only was Dr. Poncz was not involved in Kalina’s hospitalization or care weeks later (as he does not treat eating-disorder patients), none of Kalina’s treating doctors were even aware of his report as Dr. Poncz “had no idea who her physicians were” and “had no contact with anyone at any level in this case.” [Trial Transcript – Day 2, at 127:10-13.] Similarly, Dr. Cohen was “not part of the treatment team,” and had no role in anything related to Plaintiff’s claim. [Trial Transcript – Day 3, at 43:7-23; 45:2.] Plaintiff’s claims against those two doctors were frivolous.

(2) Plaintiff Knew CHOP Did Not Interfere in Plaintiff’s Parental Rights by Holding Kalina, because Plaintiff Never Demanded Kalina’s Discharge.

The evidence showed that Kalina was discharged from CHOP on July 1, 2016 when she was: (1) medically stable to be transferred to Renfrew and (2) Renfrew had a spot available for Kalina to continue the next phase of her treatment at its full-day program.

During the course of Kalina's stay at CHOP, Plaintiff never demanded that Kalina be discharged because Plaintiff was afraid of such a demand on her active custody dispute with Kalina's father. This reasoning is clear in Plaintiff's testimony. Specifically:

2 Q. Okay. I understand.

3 So before asking -- or before deciding whether to say to
4 Children's Hospital, "Enough is enough. I want my kid and I'm
5 taking her home now," before doing that, you talked to a
6 lawyer, and the lawyer said, "Don't do that."

7 Is that fair?

8 A. Yeah, the lawyer -- without -- without medical -- I forget
9 what the acronym is. But, yeah, I could not take her out
.0 against medical advice.

.1 Q. Okay. So you chose not to do that because your lawyer
.2 told you not to do it.

.3 A. Correct.

[Trial Transcript - Day 2 at 78:2 to 13.] Plaintiff further testified the "only reason" she failed to demand her daughter's discharge was she was afraid to lose custody of her daughter. [Trial Transcript – Day 1 at 199:2-20.] Nothing can be more frivolous than suing an institution and its medical staff for wrongfully holding a child when the parent quite intentionally never asked for the child to be discharged for her own strategic reasons.

(3) Contrary to Plaintiff's Fiction, Plaintiff Consented to Kalina's Treatment.

It is conceded by Plaintiff that it was medically necessary to treat Kalina for anorexia nervosa. Plaintiff testified that "we were planning to go to Renfrew for the outpatient treatment," [Trial Testimony – Day 1 at 178:21] that Plaintiff was "try[ing] to get [her] daughter into Children's Hospital of Philadelphia's outpatient program at one point," [*Id.* at 179:3-5] and that Plaintiff was "desperate" to get treatment for Kalina [*Id.* at 177:4-6.] Further, Plaintiff signed consent forms authorizing K's treatment both in the emergency department and as an admitted

patient at CHOP. [Trial Transcript – Day 2, at 54:20-21; 56:6-7; 57:9-21; Trial Ex. D24, D25.]


Plaintiff's fiction of "lack of consent" was disproven at trial through her admission:

13 Q. Right. And when you were seen in the emergency room, you
14 were presented with a consent form, right?
15 A. Sure. I mean --
16 Q. Because that's routine. We all know that.
17 A. Yes.
18 Q. You have to sign a consent for treatment, right?
19 A. Right.
20 Q. And you signed the consent, right?
21 A. Yes.

[Trial Transcript – Day 2 at 54:13-21] and:

9 Q. So they were moved to -- she was moved to the eating
10 disorder floor. And at that point, you were presented with
11 another consent form.
12 A. Yes.
13 Q. Okay. And let's look at that.
14 MR. MCMICHAEL: That's D25.
15 BY MR. MCMICHAEL:
16 Q. Okay. So down here, that's your signature, right?
17 A. That is, but that was not where I signed it. I signed
18 that in the emergency department.
19 Q. Okay. This is your signature.
20 A. That is my signature, but I'm just correcting what you
21 said that -- you weren't there.
22 Q. Oh, I'm sorry. You're saying that you were physically in
23 the emergency room department when you signed this consent
24 form.
25 A. Yes, it was after midnight in the emergency room.

[Trial Transcript, 6-13-23 at 57:9-25.] Plaintiff further acknowledged her below signature on such forms: [See, e.g. Trial Exhibit D25.]


 Signature of Consenting Party Printed Name Kathryn Gay Date 6/15/16 Time
 Relationship to Patient: ☐ Patient ☒ Parent ☐ Legal Guardian ☐ Other

Plaintiff's admission to signing these documents stands in stark contrast to Plaintiff's previous declaration in this matter, made "under penalty of perjury" which stated:

- b) I was given the CHOP form, "CONSENT FOR ADMISSION, DIAGNOSIS AND TREATMENT", which I intentionally did not fill in or sign.

[ECF 73 at p. 41.] Additionally, Plaintiff shared legal custody with her ex-husband, Miroslaw Kozlowski, who also consented to Kalina's admission and care, and was "happy that Kalina had been admitted into Children's Hospital," so "[f]inally someone take care about [treating] her disease." [Trial Transcript – Day 3 at 67:5-9.]

(4) Plaintiff's Expert, Dr. King, Acknowledged That Kalina Needed Treatment and Satisfied Certain Criteria Supporting Inpatient Admission.

Even Plaintiff's own expert, Dr. King, agreed that Kalina needed to be treated for anorexia, and stated merely that such treatment could have occurred in an outpatient setting. Dr. King admitted that Kalina met some of the criteria for admission and inpatient treatment, including significant weight loss, orthostasis by heart rate, and failure of outpatient treatment. [Trial Transcript – Day 1 at 152:9-11; 159:14-16; 161:20-21.] Specifically, Dr. King agreed that "based upon the [weight] number in October of 2015," at "71 percent of ideal body weight, then she would meet at least one of the admission criteria." [Trial Transcript – Day 1 at 152:9-11.] Dr. King further agreed that "for ongoing hospitalization [orthostasis by pulse] is a criteria," and admitted that Kalina's orthostasis by pulse was "documented in the record, up to and including the day of discharge." [Trial Transcript – Day 1 at 152:13-16; 153:3.] Finally, Dr. King acknowledged that

for the period from October, 2015 through June 13, 2016, Kalina “had lost 15 pounds during that period of time.” [Trial Transcript – Day 1 at 159:7-13.]

Pursuant to *Kia P*, which has been cited favorably by this Court, when doctors are providing medical care, they are *per se* not state actors. Plaintiff and her expert clearly admit that Kalina needed treatment for anorexia, but their contention is that the modality of treatment should have been outpatient rather than inpatient. Disagreements about the appropriateness of medical treatment are simply not constitutional issues. *See, e.g., Monmouth Cnty. Corr. Institutional Inmates v. Lanzaro*, 834 F.2d 326, 346 (3d Cir. 1987) (“Courts, determining what constitutes deliberate indifference, have consistently held that mere allegations of malpractice do not raise issues of constitutional import.”) Even viewing Dr. King’s testimony in the light most favorable to the Plaintiff, all he demonstrated was a medical disagreement with CHOP’s experts as to how best to treat Kalina’s illness. That is not a constitutional claim as a matter of law and a section 1983 claim based on it is frivolous.

(5) Defendant Children’s Hospital of Philadelphia Had No Potential Liability as There Is No *Respondeat Superior* Liability Under Section 1983.

In *Monell v. Dep’t of Soc. Servs. of City of New York*, 436 U.S. 658, 659 (1978), the Supreme Court established that an employer “cannot be held liable solely because it employs a tortfeasor—or, in other words... be held liable under § 1983 on a *respondeat superior* theory.” *Id.* at 691. Rather, Section 1983 liability exists only where an employer “under color of some official policy, causes an employee to violate another’s constitutional rights.” *Id.* at 692. *See also M.B. v. Schuylkill Cnty.*, 375 F. Supp. 3d 574, 587 (E.D. Pa. 2019) (“Organizational defendants, however, cannot be held liable under § 1983 on a *respondeat superior* theory.”) Plaintiff must also have shown that the final policymaker at CHOP promulgated or knew of an unconstitutional policy or custom. *Santiago v. Warminster Twp.*, 629 F.3d 121, 134 (3d Cir. 2010). Plaintiff made no attempt to adduce any such evidence.

Plaintiff explicitly refused to acknowledge the fact that the hospital itself could never have been liable under Section 1983 solely by virtue of being the employer of an individual who is found to have violated Section 1983. Plaintiff admitted, in her deposition that she had limited or no contact with many of the Defendants and “[t]he reason they are Defendants is because of their positions within the institution and just their positions.” [K Gay Deposition 115:24-116:5.] (emphasis added.) Further, Plaintiff agreed that, “there are not specific acts or omissions that those Defendants engaged in outside of their virtue of [their] position that lead to relief here.” [Id. 116:12-19.] (emphasis added.) Further, Plaintiff has presented no evidence of any policy that caused any alleged violation of Plaintiff’s constitutional rights. Plaintiff did not even identify or allege that the head policy maker at CHOP violated her rights, which is the test. [See Trial Transcript – Day 1 at 169-214, *generally*]. Accordingly, Defendant Children’s Hospital of Philadelphia could never have been liable as there is no *respondeat superior* liability under Section 1983. Plaintiff knew that, yet proceeded anyway for five years to litigate her false claim against the hospital and defendants who were named “because of their positions within the institution and just their positions.” Pursuing that claim was frivolous.

(6) Plaintiff Never Had Damages Attributable to Defendants.

Even if Plaintiff had evidence of the foundational element of a §1983 claim –state action – Plaintiff had no damages with any connection to CHOP. Plaintiff never even produced any evidence in discovery or at trial with regard to her compensation in any position she has held or the amount of any wages lost. She further never produced any evidence of the amounts that she spent on medical care. As such, there was no evidence upon which a jury could have even based an economic award.

Further, Plaintiff would have required an expert to quantify her wage loss claim as the Third Circuit requires expert testimony and “more than speculative opinion when determining

damages for prospective earnings loss.” *Benjamin v. Peter’s Farm Condo. Owners Ass’n*, 820 F.2d 640, 642 (3d Cir. 1987). Even with expert testimony, it has held that “expert testimony of post-injury earning capacity must be based upon the proper factual foundation.” *Benjamin v. Peter’s Farm Condominium Owners Ass’n*, 820 F.2d 640, 643 (3d Cir.1987). An “expert’s testimony regarding future earnings loss must be accompanied by a sufficient factual foundation before it can be submitted to the jury.” *Elcock v. Kmart Corp.*, 233 F.3d 734, 754 (3d Cir. 2000). She had no such expert.

Moreover, Plaintiff offered no competent expert medical evidence (or evidence of any kind for that matter) regarding her alleged psychological injury and has admitted that went on disability from work only after Kalina’s death. [Trial Transcript – Day 1, at 214:9-16.] Plaintiff further testified that she “started therapy” for her alleged PTSD, depression, and anxiety at “the end of March 2018” and only after her daughter’s death. [Trial Transcript – Day 2, at 29:8-10.] “Expert medical testimony on causation requires the witness to offer expert medical testimony on the injury itself and the relationship between the injury and the alleged cause.” *Niklaus v. Vivadent, Inc., U.S.A.*, 767 F. Supp. 94, 96 (M.D. Pa. 1991), *aff’d sub nom. Niklaus v. Patterson Dental Supply Co.*, 986 F.2d 1409 (3d Cir. 1993). *See also In re Paoli R.R. Yard PCB Litig., No. 86-2229*, 2000 WL 1279922, at *2 (E.D. Pa. Sept. 6, 2000) (discussing that “unequivocal medical testimony is necessary to establish the causal connection in cases where there is no obvious causal relationship between the accident and the injury.”)

Finally, Plaintiff offered no expert testimony linking her alleged injuries – more than 18 months after her daughter’s discharge from CHOP – to any action taken by any Defendant during her daughter’s hospitalization. “Compensatory damages are only available to a prevailing plaintiff to the extent he can prove the constitutional violation caused his injury.” *Keller v. Crawford*, 465 F. Supp. 3d 472, 483–84 (E.D. Pa. 2020) (*citing Carey v. Piphus*, 435 U.S. 247, 258 (1978).)

(emphasis in original.) “Such a showing embodies the traditional tort concept of requiring proximate cause between the defendant’s actions and the plaintiff’s injury.” *Id.* (citing *Hedges v. Musco*, 204 F.3d 109, 121 (3d Cir. 2000).) “Thus, to recover damages for his physical injury Plaintiff must introduce evidence that Defendant’s [actions]... caused it.” *Id.*

Plaintiff’s claim that reading CHOP medical records after her daughter’s death caused her injury was neither plausible nor actionable. Her constitutional rights were not violated by her reading medical records. And her claim, in light of the total absence of evidence, was frivolous.

C. The Fees and Costs Defendants Seek are Reasonable as Counsel’s Billing Rates Are Reasonable and the Work Performed Was Necessary To Achieve a Successful Result.

“The party seeking attorney’s fees has the burden to prove that its request for attorney’s fees is reasonable. To meet its burden, the fee petitioner must ‘submit evidence supporting the hours worked and rates claimed.’” *Rode v. Dellarciprete*, 892 F.2d 1177, 1183 (3d Cir. 1990) (quoting *Hensley v. Eckerhart*, 461 U.S. 424, 433, (1983)). The District Court “must calculate the amount of the award beginning with the lodestar, which is a reasonable hourly rate multiplied by a reasonable number of hours expended.” *Ullman v. Superior Ct. of Pennsylvania*, 603 F. App’x 77, 79–80 (3d Cir. 2015) (citing *Loughner v. Univ. of Pittsburgh*, 260 F.3d 173, 177 (3d Cir.2001)). Reasonableness of rates is determined by assessing “the experience and skill of the prevailing party’s attorneys’ and comparing their rates to prevailing rates in the community for similar services by lawyers of reasonably comparable skill, experience, and reputation.” *Maldonado v. Houstoun*, 256 F.3d 181, 184 (3d Cir. 2001). While the District Court has the power to adjust the fee award, “the party seeking adjustment has the burden of proving that an adjustment is necessary.” *Rode*, 892 F.2d 1177, 1183 (3d Cir. 1990).

The rates sought by CHOP for its attorneys’ work are reasonable based upon the specialized experience of the attorneys representing it, coupled with the materially discounted rates

offered to CHOP by Dilworth Paxson LLP on account of its recognition of CHOP's vital role in the Philadelphia community. *See* Declaration of Lawrence G. McMichael, Esq., attached hereto as Exhibit "A." Rather than the "prevailing rates in the community for similar services by lawyers of reasonably comparable skill, experience, and reputation," CHOP seeks the more modest hourly rates actually charged for this case as follows:

Attorney	Standard Rate	CLS Rate ⁵	CHOP ⁶ Rate	Role in the matter
Lawrence G. McMichael	\$1,100	\$735-850	\$800 \$290 trial	senior litigation partner, lead trial counsel
Douglas M. Weck	\$415	\$420-525	\$290	senior litigation associate, assisted with some pretrial matters and assistant trial counsel
Patrick M. Harrington	\$435	\$420-525	\$290	litigation partner, generally responsible for all pretrial matters.
Danielle Goebel	\$405	\$420-525	\$290	litigation partner, assisted with some pretrial matters
Claire Ghormoz	\$420	\$320-415	\$300	litigation partner, assisted with some pretrial matters
David Rodkey	\$400	\$265-315	\$300	litigation associate, assisted with some pretrial matters
Patrick M. Northen	\$665	\$630-715-	\$490	senior litigation partner, assisted with some pretrial matters
Kathleen Rodgers	\$260	\$245-285	\$140	litigation paralegal, assisted with discovery and document management
Christine Tomlin	\$260	\$245-285	\$225	litigation paralegal, assisted with discovery and document management
Susannah Green	\$225	\$245-285	\$140	litigation paralegal, assisted with discovery and document management
Miriam Dolan	\$260	\$245-285	\$140	litigation paralegal, assisted with discovery and document management
Catherine Morton	\$260	\$245-285	\$140	litigation paralegal, assisted with discovery and document management
Valori Henwood	\$260	\$245-285	\$140	litigation paralegal, assisted with discovery and document management

⁵ Community Legal Services is often cited as a barometer in fee petitions such as this to establish prevailing rates in the community. *See* (<https://clsphila.org/about-community-legal-services/attorney-fees/>)

⁶ These rates were discounted an additional 10% on the firm's invoices.

This is a unique, and materially discounted, billing structure that reflects the firm's commitment to essential nonprofit Philadelphia-area institutions such as CHOP. The rates charged, and requested in this motion, are well below the regular rates charged for these lawyers in 2023 and throughout the pendency of this litigation. [See Ex. A.] As such, counsel's billing rates are reasonable in light of the attorneys' expertise, and the work performed was necessary to protect Defendants' rights. In fulfilling their duties in this matter, counsel undertook protracted motion practice, extensive pretrial discovery, depositions, hundreds of pages of document review, legal research, legal writing, hearing preparations, oral arguments, trial preparation, and trial, including the presentation of and cross-examination of over a dozen witnesses and experts. Summaries of Counsel's invoices to CHOP, which are attached as Exhibit "B," reflect the work performed in this matter, including counsel's incurred recoverable costs and costs incurred in connection with the retention through trial of Defendants' testifying expert, Dr. Spaulding-Barclay.⁷

Having prevailed in the matter, CHOP now seeks an award of attorneys' fees in the amount of \$497,497.95 and incurred costs in the amount of \$47,419.56.

IV. CONCLUSION

For these reasons, it is respectfully requested that this Court grant Defendants' Motion for an Award of Attorneys' Fees and Costs pursuant to Fed.R.Civ.P. 54(d)(2) and 42 U.S.C. §1988.

Dated: June 29, 2023

/s/ Lawrence G. McMichael
DILWORTH PAXSON LLP
 Lawrence G. McMichael, Esquire
Attorneys for Defendants

⁷ Notably, Defendants' other testifying expert, Dr. Rebekah Peebles, M.D., works for CHOP and, as such, CHOP makes no application for any award based upon her involvement in the case – notwithstanding that preparation and attendance at trial precluded her from treating patients.

Exhibit A

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

KATHRYN GAY,

Plaintiff,

v.

CHILDREN’S HOSPITAL OF
PHILADELPHIA, ELENI LANTZOUNI,
JENNIFER LOUIS-JACQUES, MICHELE
ZUCKER, LEELA JACKSON, MORTIMER
PONCZ, AND ALAN R. COHEN

Defendants.

Case No. 2:18-cv-02880-NIQA

DECLARATION OF LAWRENCE G. MCMICHAEL, ESQUIRE

I, Lawrence G. McMichael, Esquire do hereby DECLARE UNDER OATH and state as follows:

1. I am an equity partner and chairman of Dilworth Paxson LLP, (“Dilworth”), attorneys for Defendants in this action. I am well over 18 years of age and am competent to give this Declaration in the above-captioned matter, which I submit in support of Defendants’ Motion for an Award of Attorneys’ Fees and Costs (the “Motion”).

2. This Declaration is based on my personal knowledge.

3. I served as lead trial counsel for Defendants in this action and have supervised the work of all other attorneys involved in the matter since my firm’s retention by Defendants in 2018.

4. I am an attorney licensed in good standing in the Commonwealth of Pennsylvania. I am also admitted to the United States Courts of Appeals for the Second and Third Circuits; the United States District Courts for the Eastern, Middle and Western Districts of Pennsylvania; and the United States Supreme Court.

5. I regularly represent public and private businesses and their owners, officers and directors in negotiations, mediation and litigation and have extensive trial experience in both federal and state courts – having served as lead counsel in many high profile cases and appeals. I have practiced as a trial lawyer for 45 years.

6. I am a fellow of both the American College of Trial Lawyers and the American College of Bankruptcy.

7. As of January 1, 2023 my regular billing rate is \$1,100 per hour. That rate is paid by almost all clients that I represent. However, because of my, and Dilworth's, long-standing commitment to essential institutions that benefit the greater Philadelphia community such as Children's Hospital of Philadelphia, my rate in this matter was \$750 and \$800 for pretrial supervision. For trial preparation and trial, I charged only \$290 per hour.

8. While I have supervised the attorneys involved in this matter, during the first few years of the litigation, I did not charge CHOP for my time, as it was minimal, as the case was being handled by my very capable colleagues.

9. My colleagues Patrick M. Harrington, Esq. and Douglas M. Weck, Esq., and my former colleague Danielle Goebel, Esq. have been involved and invaluable in the defense of this matter on behalf of Defendants for the last five years. They have handled the vast majority of all pretrial and trial work, while additional attorneys and paralegals have provided additional more limited support.

10. Douglas M. Weck is a senior associate at Dilworth and is an attorney licensed in good standing in the Commonwealth of Pennsylvania and the State of New Jersey. He is also admitted to the United States Court of Appeals for the Third Circuit and the United States District Courts for the Eastern District of Pennsylvania and the District of New Jersey. As of January 1, 2023 Douglas's regular billing rate is \$415. However, because of his and Dilworth's commitment

to essential institutions that benefit the greater Philadelphia community such as Children's Hospital of Philadelphia, his rate in this matter has been \$290.

11. Patrick M. Harrington is a partner at Dilworth and is an attorney licensed in good standing in the Commonwealth of Pennsylvania and the State of New Jersey. He is also admitted to the United States Court of Appeals for the Third Circuit and the United States District Courts for the Eastern District of Pennsylvania and the District of New Jersey. As of January 1, 2023 Patrick's regular billing rate is \$435. However, because of his and Dilworth's commitment to essential institutions that benefit the greater Philadelphia community such as Children's Hospital of Philadelphia, his rate in this matter has been \$290.

12. Danielle Goebel is a former partner at Dilworth and is an attorney licensed in good standing in the Commonwealth of Pennsylvania and the State of New Jersey. She is also admitted to the United States District Courts for the Eastern District of Pennsylvania and the District of New Jersey. Danielle's most recent regular billing rate while she was at Dilworth was \$405. However, because of her and Dilworth's commitment to essential institutions that benefit the greater Philadelphia community such as Children's Hospital of Philadelphia, her rate in this matter has been \$290.

13. Further, due to a personal medical issue involving the family of my colleague, Patrick Harrington, which precluded him from participating in trial of this case, as an accommodation to Defendants, effective March 1, 2023 my rate in this matter was further reduced to \$290 through trial. This marks an \$810 per hour reduction from my standard billing rate regularly charged to firm clients.

14. While expressly reserving the attorney-client and work product privileges, the work performed in this matter is reflected in the Summaries of Counsel's invoices to CHOP, attached to

Defendants' Motion as Exhibit "B," including counsel's incurred recoverable costs and costs in connection with the retention through trial of Defendants' testifying expert, Dr. Spaulding Barclay.

15. Thus, Defendants have incurred a total of \$497,497.95 in attorneys' fees and \$47,419.56 in costs in connection with this litigation

I declare under penalty of perjury that the foregoing is true and correct.

Dated: June 29, 2023

/s/ Lawrence G. McMichael

Lawrence G. McMichael, Esquire

Exhibit B

USPS MAILING ADDRESS:

DILWORTH PAXSON LLP
 PO BOX 825921
 PHILADELPHIA, PA 19182-5921

OVERNIGHT COURIER ADDRESS:

PNC BANK c/o DILWORTH PAXSON LLP
 Lockbox Number 825921
 525 Fellowship Rd., Suite 330
 Mt. Laurel, NJ 08054-3415

THE CHILDREN'S HOSPITAL OF PHILADELPHIA

Invoice Number 360306
 Invoice Date 10/05/18
 Client Number 14502
 Matter Number 00041

 Re: KATHRYN GAY

FOR PROFESSIONAL SERVICES RENDERED FROM 08/28/18 THROUGH 09/30/18:

TIMEKEEPER TIME SUMMARY:

Timekeeper	Hours	Rate	Value
-----	-----	-----	-----
PATRICK M. HARRINGTON	2.90	at \$290 =	841.00
TOTAL FEES			841.00
LESS DISCOUNT			-84.10
CURRENT FEES			756.90

TOTAL BALANCE DUE UPON RECEIPT \$756.90
 =====

 If you have a question regarding this invoice or your account, or if you wish to pay electronically, with a credit card or via overnight mail (UPS, FedEx, etc.), please contact the Accounts Receivable Dept. at 215-575-7107.

USPS MAILING ADDRESS:

DILWORTH PAXSON LLP
PO BOX 825921
PHILADELPHIA, PA 19182-5921

OVERNIGHT COURIER ADDRESS:

PNC BANK c/o DILWORTH PAXSON LLP
Lockbox Number 825921
525 Fellowship Rd., Suite 330
Mt. Laurel, NJ 08054-3415

THE CHILDREN'S HOSPITAL OF PHILADELPHIA

Invoice Number 361545
Invoice Date 11/06/18
Client Number 14502
Matter Number 00041

Re: KATHRYN GAY

FOR PROFESSIONAL SERVICES RENDERED FROM 10/02/18 THROUGH 10/31/18:

TIMEKEEPER TIME SUMMARY:

Timekeeper	Hours	Rate		Value
-----	-----	-----	-----	-----
PATRICK M. HARRINGTON	9.30	at \$290	=	2,697.00
TOTAL FEES				2,697.00
LESS DISCOUNT				-269.70
CURRENT FEES				2,427.30

TOTAL BALANCE DUE UPON RECEIPT \$2,427.30
=====

If you have a question regarding this invoice or your account, or if you wish to pay electronically, with a credit card or via overnight mail (UPS, FedEx, etc.), please contact the Accounts Receivable Dept. at 215-575-7107.

Timekeeper	Hours	Rate		Value
-----	-----	-----		-----
PATRICK M. HARRINGTON	14.75	at \$290	=	4,277.50
KATHLEEN M. RODGERS	4.50	at \$190	=	855.00
TOTAL FEES				5,132.50
LESS DISCOUNT				-513.25
CURRENT FEES				4,619.25

If you have a question regarding this invoice or your account, or if you wish to pay electronically, with a credit card or via overnight mail (UPS, FedEx, etc.), please contact the Accounts Receivable Dept. at 215-575-7107.

Timekeeper	Hours	Rate		Value
PATRICK M. HARRINGTON	11.70	at \$290	=	3,393.00
KATHLEEN M. RODGERS	1.40	at \$190	=	266.00
TOTAL FEES				3,659.00
LESS DISCOUNT				-365.90
CURRENT FEES				3,293.10

14502 THE CHILDRENS HOSPITAL OF PHILADELPHIA
00041 KATHRYN GAY
01/09/19

Invoice Number 363740
Page 2

FOR COSTS ADVANCED AND EXPENSES INCURRED:

Date		Value
-----		-----
11/15/18	INFORMATION SERVICES	0.00
	WESTLAW CHARGES	

	CURRENT EXPENSES	0.00
	TOTAL BALANCE DUE UPON RECEIPT	\$3,293.10
		=====

If you have a question regarding this invoice or your account, or if you wish to pay electronically, with a credit card or via overnight mail (UPS, FedEx, etc.), please contact the Accounts Receivable Dept. at 215-575-7107.

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THE CHILDREN'S HOSPITAL OF PHILADELPHIA

Invoice Number 364801
Invoice Date 02/06/19
Client Number 14502
Matter Number 00041

Re: KATHRYN GAY

FOR PROFESSIONAL SERVICES RENDERED FROM 01/02/19 THROUGH 01/31/19:

TIMEKEEPER TIME SUMMARY:

Timekeeper	Hours	Rate	Value
-----	-----	-----	-----
PATRICK M. HARRINGTON	4.30	at \$290 =	1,247.00
TOTAL FEES			1,247.00
LESS DISCOUNT			-124.70
CURRENT FEES			1,122.30

14502 THE CHILDRENS HOSPITAL OF PHILADELPHIA
 00041 KATHRYN GAY
 02/06/19

Invoice Number 364801
 Page 2

FOR COSTS ADVANCED AND EXPENSES INCURRED:

Date		Value	
-----		-----	
12/16/18	AMERICAN EXPRESS -	5.40	
	MILEAGE/PARKING/CABFAR		
	E PMH/PARKING -		
	Total MILEAGE/PARKING/CABFARE		5.40
12/16/18	AMERICAN EXPRESS -	11.12	
	MEALS PMH/COFFEE -		
	Total MEALS		11.12

	CURRENT EXPENSES		16.52
	TOTAL BALANCE DUE UPON RECEIPT		\$1,138.82
			=====

If you have a question regarding this invoice or your account, or if you wish to pay electronically, with a credit card or via overnight mail (UPS, FedEx, etc.), please contact the Accounts Receivable Dept. at 215-575-7107.

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OVERNIGHT COURIER ADDRESS:

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Mt. Laurel, NJ 08054-3415

THE CHILDREN'S HOSPITAL OF PHILADELPHIA

Invoice Number 367258
Invoice Date 04/11/19
Client Number 14502
Matter Number 00041

Re: KATHRYN GAY

FOR PROFESSIONAL SERVICES RENDERED FROM 03/20/19 THROUGH 03/31/19:

TIMEKEEPER TIME SUMMARY:

Timekeeper	Hours	Rate	Value
-----	-----	-----	-----
PATRICK M. HARRINGTON	2.20	at \$290 =	638.00
TOTAL FEES			638.00
LESS DISCOUNT			-63.80
CURRENT FEES			574.20

TOTAL BALANCE DUE UPON RECEIPT \$574.20
=====

If you have a question regarding this invoice or your account, or if you wish to pay electronically, with a credit card or via overnight mail (UPS, FedEx, etc.), please contact the Accounts Receivable Dept. at 215-575-7107.

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 525 Fellowship Rd., Suite 330
 Mt. Laurel, NJ 08054-3415

THE CHILDREN'S HOSPITAL OF PHILADELPHIA

Invoice Number 368498
 Invoice Date 05/09/19
 Client Number 14502
 Matter Number 00041

 Re: KATHRYN GAY

FOR PROFESSIONAL SERVICES RENDERED FROM 04/01/19 THROUGH 04/30/19:

TIMEKEEPER TIME SUMMARY:

Timekeeper	Hours	Rate		Value
PATRICK M. HARRINGTON	7.00	at \$290	=	2,030.00
LAWRENCE G. MCMICHAEL	0.20	at \$750	=	150.00
KATHLEEN M. RODGERS	1.10	at \$200	=	220.00
CHRISTINE A. TOMLIN	2.80	at \$225	=	630.00
TOTAL FEES				3,030.00
LESS DISCOUNT				-303.00
CURRENT FEES				2,727.00

14502 THE CHILDRENS HOSPITAL OF PHILADELPHIA
 00041 KATHRYN GAY
 05/09/19

Invoice Number 368498
 Page 2

FOR COSTS ADVANCED AND EXPENSES INCURRED:

Date		Value
-----		-----
04/06/19	UPS - UNITED PARCEL SERVICE - UPS UPS Package shipped to: Ms. Kathryn Gay Ms. Kathryn Gay 1830 Manning Street PHILADELPHIA PA 19103 US by PATRICK HARRINGTON UPS Tracking# : 1ZV6950RNT90682259	10.01
	Total UPS	10.01

	CURRENT EXPENSES	10.01
	TOTAL BALANCE DUE UPON RECEIPT	\$2,737.01
		=====

If you have a question regarding this invoice or your account, or if you wish to pay electronically, with a credit card or via overnight mail (UPS, FedEx, etc.), please contact the Accounts Receivable Dept. at 215-575-7107.

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OVERNIGHT COURIER ADDRESS:

PNC BANK c/o DILWORTH PAXSON LLP
Lockbox Number 825921
525 Fellowship Rd., Suite 330
Mt. Laurel, NJ 08054-3415

THE CHILDREN'S HOSPITAL OF PHILADELPHIA

Invoice Number 370132
Invoice Date 07/03/19
Client Number 14502
Matter Number 00041

Re: KATHRYN GAY

FOR PROFESSIONAL SERVICES RENDERED FROM 06/03/19 THROUGH 06/30/19:

TIMEKEEPER TIME SUMMARY:

Timekeeper	Hours	Rate		Value
PATRICK M. HARRINGTON	6.60	at \$290	=	1,914.00
SUSANNAH V. GREEN	12.70	at \$150	=	1,905.00
TOTAL FEES				3,819.00
LESS DISCOUNT				-381.90
CURRENT FEES				3,437.10

TOTAL BALANCE DUE UPON RECEIPT \$3,437.10
=====

If you have a question regarding this invoice or your account, or if you wish to pay electronically, with a credit card or via overnight mail (UPS, FedEx, etc.), please contact the Accounts Receivable Dept. at 215-575-7107.

Timekeeper	Hours	Rate		Value
PATRICK M. HARRINGTON	21.90	at \$290	=	6,351.00
SUSANNAH V. GREEN	4.40	at \$140	=	616.00
KATHLEEN M. RODGERS	0.80	at \$140	=	112.00
TOTAL FEES				7,079.00
LESS DISCOUNT				-707.90
CURRENT FEES				6,371.10

Invoice Number 371857A
Page 2

FOR COSTS ADVANCED AND EXPENSES INCURRED:

Date		Value	
07/16/19	AMERICAN EXPRESS -	4.60	
	MILEAGE/PARKING/CABFAR		
	E PMH/UBER TO COURT		
	HEARING, 6/18/19		
	Total MILEAGE/PARKING/CABFARE		4.60
06/11/19	POSTAGE/MESSENGER	0.00	
	CERTIFIED MAIL		
	CURRENT EXPENSES		4.60
	TOTAL BALANCE DUE UPON RECEIPT		\$6,375.70

If you have a question regarding this invoice or your account, or if you wish to pay electronically, with a credit card or via overnight mail (UPS, FedEx, etc.), please contact the Accounts Receivable Dept. at 215-575-7107.

USPS MAILING ADDRESS:

DILWORTH PAXSON LLP
PO BOX 825921
PHILADELPHIA, PA 19182-5921

OVERNIGHT COURIER ADDRESS:

PNC BANK c/o DILWORTH PAXSON LLP
Lockbox Number 825921
525 Fellowship Rd., Suite 330
Mt. Laurel, NJ 08054-3415

THE CHILDREN'S HOSPITAL OF PHILADELPHIA	Invoice Number	372778A
	Invoice Date	09/15/19
	Client Number	14502
	Matter Number	00041

Re: KATHRYN GAY

FOR PROFESSIONAL SERVICES RENDERED FROM 08/01/19 THROUGH 08/31/19:

TIMEKEEPER TIME SUMMARY:

Timekeeper	Hours	Rate		Value
-----	-----	-----	-----	-----
PATRICK M. HARRINGTON	16.40	at \$290	=	4,756.00
KATHLEEN M. RODGERS	0.80	at \$140	=	112.00
TOTAL FEES				4,868.00
LESS DISCOUNT				-486.80
CURRENT FEES				4,381.20

14502 THE CHILDRENS HOSPITAL OF PHILADELPHIA
 00041 KATHRYN GAY
 09/15/19

Invoice Number 372778A
 Page 2

FOR COSTS ADVANCED AND EXPENSES INCURRED:

Date		Value	
-----		-----	
08/16/19	AMERICAN EXPRESS - MILEAGE/PARKING/CABFAR E PMH/LYFT - TRANSPORT TO/FROM MEETING	20.10	
	Total MILEAGE/PARKING/CABFARE		20.10
08/16/19	AMERICAN EXPRESS - MEALS PMH/COFFEE MEETING	15.12	
	Total MEALS		15.12

	CURRENT EXPENSES		35.22
	TOTAL BALANCE DUE UPON RECEIPT		\$4,416.42
			=====

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PNC BANK c/o DILWORTH PAXSON LLP
Lockbox Number 825921
525 Fellowship Rd., Suite 330
Mt. Laurel, NJ 08054-3415

THE CHILDREN'S HOSPITAL OF PHILADELPHIA	Invoice Number	375138
	Invoice Date	11/12/19
	Client Number	14502
	Matter Number	00041

Re: KATHRYN GAY

FOR PROFESSIONAL SERVICES RENDERED FROM 10/01/19 THROUGH 10/31/19:

TIMEKEEPER TIME SUMMARY:

Timekeeper	Hours	Rate		Value
-----	-----	-----	-----	-----
PATRICK M. HARRINGTON	8.00	at \$290	=	2,320.00
KATHLEEN M. RODGERS	0.80	at \$140	=	112.00
TOTAL FEES				2,432.00
LESS DISCOUNT				-243.20
CURRENT FEES				2,188.80

TOTAL BALANCE DUE UPON RECEIPT	\$2,188.80
	=====

If you have a question regarding this invoice or your account, or if you wish to pay electronically, with a credit card or via overnight mail (UPS, FedEx, etc.), please contact the Accounts Receivable Dept. at 215-575-7107.

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525 Fellowship Rd., Suite 330
Mt. Laurel, NJ 08054-3415

THE CHILDREN'S HOSPITAL OF PHILADELPHIA

Invoice Number 375511
Invoice Date 12/04/19
Client Number 14502
Matter Number 00041

Re: KATHRYN GAY

FOR PROFESSIONAL SERVICES RENDERED FROM 11/11/19 THROUGH 11/30/19:

TIMEKEEPER TIME SUMMARY:

Timekeeper	Hours	Rate		Value
-----	-----	-----	-----	-----
PATRICK M. HARRINGTON	31.30	at \$290	=	9,077.00
TOTAL FEES				9,077.00
LESS DISCOUNT				-907.70
CURRENT FEES				8,169.30

TOTAL BALANCE DUE UPON RECEIPT \$8,169.30
=====

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525 Fellowship Rd., Suite 330
Mt. Laurel, NJ 08054-3415

THE CHILDREN'S HOSPITAL OF PHILADELPHIA

Invoice Number 376752
Invoice Date 01/08/20
Client Number 14502
Matter Number 00041

Re: KATHRYN GAY

FOR PROFESSIONAL SERVICES RENDERED FROM 12/01/19 THROUGH 12/31/19:

TIMEKEEPER TIME SUMMARY:

Timekeeper	Hours	Rate		Value
-----	-----	-----	-----	-----
DANIELLE M. GOEBEL	3.00	at \$290	=	870.00
PATRICK M. HARRINGTON	25.50	at \$290	=	7,395.00
CATHERINE T. MORTON	0.30	at \$140	=	42.00
TOTAL FEES				8,307.00
LESS DISCOUNT				-830.70
CURRENT FEES				7,476.30

14502 THE CHILDRENS HOSPITAL OF PHILADELPHIA
00041 KATHRYN GAY
01/08/20

Invoice Number 376752
Page 2

FOR COSTS ADVANCED AND EXPENSES INCURRED:

Date		Value
-----		-----
12/09/19	POSTAGE/MESSENGER HAND DELIVERY	0.00

	CURRENT EXPENSES	0.00
	TOTAL BALANCE DUE UPON RECEIPT	\$7,476.30
		=====

If you have a question regarding this invoice or your account, or if you wish to pay electronically, with a credit card or via overnight mail (UPS, FedEx, etc.), please contact the Accounts Receivable Dept. at 215-575-7107.

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Mt. Laurel, NJ 08054-3415

THE CHILDREN'S HOSPITAL OF PHILADELPHIA

Invoice Number 377704
Invoice Date 02/06/20
Client Number 14502
Matter Number 00041

Re: KATHRYN GAY

FOR PROFESSIONAL SERVICES RENDERED FROM 01/02/20 THROUGH 01/31/20:

TIMEKEEPER TIME SUMMARY:

Timekeeper	Hours	Rate		Value
DANIELLE M. GOEBEL	7.80	at \$290	=	2,262.00
PATRICK M. HARRINGTON	16.80	at \$290	=	4,872.00
KATHLEEN M. RODGERS	0.60	at \$140	=	84.00
CURRENT FEES				7,218.00

TOTAL BALANCE DUE UPON RECEIPT \$7,218.00
=====

If you have a question regarding this invoice or your account, or if you wish to pay electronically, with a credit card or via overnight mail (UPS, FedEx, etc.), please contact the Accounts Receivable Dept. at 215-575-7107.

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THE CHILDREN'S HOSPITAL OF PHILADELPHIA

Invoice Number 378670
Invoice Date 03/05/20
Client Number 14502
Matter Number 00041

Re: KATHRYN GAY

FOR PROFESSIONAL SERVICES RENDERED FROM 02/03/20 THROUGH 02/29/20:

TIMEKEEPER TIME SUMMARY:

Timekeeper	Hours	Rate		Value
DANIELLE M. GOEBEL	7.50	at \$290	=	2,175.00
PATRICK M. HARRINGTON	42.40	at \$290	=	12,296.00
PATRICK M. NORTEN	1.90	at \$490	=	931.00
MIRIAM L. DOLAN	6.50	at \$140	=	910.00
KATHLEEN M. RODGERS	1.50	at \$140	=	210.00
TOTAL FEES				16,522.00
LESS DISCOUNT				-1,652.20
CURRENT FEES				14,869.80

TOTAL BALANCE DUE UPON RECEIPT \$14,869.80
=====

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Mt. Laurel, NJ 08054-3415

THE CHILDREN'S HOSPITAL OF PHILADELPHIA

Invoice Number 380022
Invoice Date 04/08/20
Client Number 14502
Matter Number 00041

Re: KATHRYN GAY

FOR PROFESSIONAL SERVICES RENDERED FROM 03/02/20 THROUGH 03/31/20:

TIMEKEEPER TIME SUMMARY:

Timekeeper	Hours	Rate		Value
DANIELLE M. GOEBEL	9.60	at \$290	=	2,784.00
PATRICK M. HARRINGTON	29.70	at \$290	=	8,613.00
KATHLEEN M. RODGERS	0.70	at \$140	=	98.00
TOTAL FEES				11,495.00
LESS DISCOUNT				-1,149.50
CURRENT FEES				10,345.50

14502 THE CHILDRENS HOSPITAL OF PHILADELPHIA
 00041 KATHRYN GAY
 04/08/20

Invoice Number 380022
 Page 2

FOR COSTS ADVANCED AND EXPENSES INCURRED:

Date		Value
-----		-----
03/02/20	IT'S DONE! COURIER, LLC - SUBPOENA SERVICE KMR/COST FOR SERVICE OF SUBPOENA	67.00
	Total SUBPOENA SERVICE	67.00

	CURRENT EXPENSES	67.00
	TOTAL BALANCE DUE UPON RECEIPT	\$10,412.50
		=====

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525 Fellowship Rd., Suite 330
Mt. Laurel, NJ 08054-3415

THE CHILDREN'S HOSPITAL OF PHILADELPHIA

Invoice Number 381215
Invoice Date 05/11/20
Client Number 14502
Matter Number 00041

Re: KATHRYN GAY

FOR PROFESSIONAL SERVICES RENDERED FROM 04/07/20 THROUGH 04/30/20:

TIMEKEEPER TIME SUMMARY:

Timekeeper	Hours	Rate		Value
DANIELLE M. GOEBEL	15.70	at \$290	=	4,553.00
PATRICK M. HARRINGTON	7.40	at \$290	=	2,146.00
LAWRENCE G. MCMICHAEL	0.25	at \$750	=	187.50
KATHLEEN M. RODGERS	1.50	at \$140	=	210.00
TOTAL FEES				7,096.50
LESS DISCOUNT				-709.65
CURRENT FEES				6,386.85

14502 THE CHILDRENS HOSPITAL OF PHILADELPHIA
 00041 KATHRYN GAY
 05/11/20

Invoice Number 381215
 Page 2

FOR COSTS ADVANCED AND EXPENSES INCURRED:

Date		Value
-----		-----
03/20/20	EVEREST COURT REPORTING LLC - COURT REPORTING/TRANSCRIPTS PMH/DEPOSITION TRANSCRIPT OF KATHRYN GAY, TAKEN 3/4/2020	1,131.05
	Total COURT REPORTING/TRANSCRIPTS	1,131.05

	CURRENT EXPENSES	1,131.05
	TOTAL BALANCE DUE UPON RECEIPT	\$7,517.90
		=====

If you have a question regarding this invoice or your account, or if you wish to pay electronically, with a credit card or via overnight mail (UPS, FedEx, etc.), please contact the Accounts Receivable Dept. at 215-575-7107.

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Lockbox Number 825921
525 Fellowship Rd., Suite 330
Mt. Laurel, NJ 08054-3415

THE CHILDREN'S HOSPITAL OF PHILADELPHIA

Invoice Number 382191
Invoice Date 06/10/20
Client Number 14502
Matter Number 00041

Re: KATHRYN GAY

FOR PROFESSIONAL SERVICES RENDERED FROM 05/01/20 THROUGH 05/31/20:

TIMEKEEPER TIME SUMMARY:

Timekeeper	Hours	Rate		Value
DANIELLE M. GOEBEL	25.60	at \$290	=	7,424.00
PATRICK M. HARRINGTON	5.20	at \$290	=	1,508.00
LAWRENCE G. MCMICHAEL	1.00	at \$750	=	750.00
KATHLEEN M. RODGERS	4.90	at \$140	=	686.00
TOTAL FEES				10,368.00
LESS DISCOUNT				-1,036.80
CURRENT FEES				9,331.20

TOTAL BALANCE DUE UPON RECEIPT \$9,331.20
=====

If you have a question regarding this invoice or your account, or if you wish to pay electronically, with a credit card or via overnight mail (UPS, FedEx, etc.), please contact the Accounts Receivable Dept. at 215-575-7107.

USPS MAILING ADDRESS:

DILWORTH PAXSON LLP
PO BOX 825921
PHILADELPHIA, PA 19182-5921

OVERNIGHT COURIER ADDRESS:

PNC BANK c/o DILWORTH PAXSON LLP
Lockbox Number 825921
525 Fellowship Rd., Suite 330
Mt. Laurel, NJ 08054-3415

THE CHILDREN'S HOSPITAL OF PHILADELPHIA

Invoice Number 382852
Invoice Date 07/07/20
Client Number 14502
Matter Number 00041

Re: KATHRYN GAY

FOR PROFESSIONAL SERVICES RENDERED FROM 06/01/20 THROUGH 06/30/20:

TIMEKEEPER TIME SUMMARY:

Timekeeper	Hours	Rate		Value
DANIELLE M. GOEBEL	10.10	at \$290	=	2,929.00
PATRICK M. HARRINGTON	8.10	at \$290	=	2,349.00
KATHLEEN M. RODGERS	2.60	at \$140	=	364.00
TOTAL FEES				5,642.00
LESS DISCOUNT				-564.20
CURRENT FEES				5,077.80

TOTAL BALANCE DUE UPON RECEIPT \$5,077.80
=====

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USPS MAILING ADDRESS:

DILWORTH PAXSON LLP
PO BOX 825921
PHILADELPHIA, PA 19182-5921

OVERNIGHT COURIER ADDRESS:

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Lockbox Number 825921
525 Fellowship Rd., Suite 330
Mt. Laurel, NJ 08054-3415

THE CHILDREN'S HOSPITAL OF PHILADELPHIA

Invoice Number 383785
Invoice Date 08/07/20
Client Number 14502
Matter Number 00041

Re: KATHRYN GAY

FOR PROFESSIONAL SERVICES RENDERED FROM 07/01/20 THROUGH 07/30/20:

TIMEKEEPER TIME SUMMARY:

Timekeeper	Hours	Rate		Value
DANIELLE M. GOEBEL	20.70	at \$290	=	6,003.00
PATRICK M. HARRINGTON	5.00	at \$290	=	1,450.00
LAWRENCE G. MCMICHAEL	0.50	at \$750	=	375.00
KATHLEEN M. RODGERS	2.70	at \$140	=	378.00
TOTAL FEES				8,206.00
LESS DISCOUNT				-820.60
CURRENT FEES				7,385.40

TOTAL BALANCE DUE UPON RECEIPT \$7,385.40
=====

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Lockbox Number 825921
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Mt. Laurel, NJ 08054-3415

THE CHILDREN'S HOSPITAL OF PHILADELPHIA

Invoice Number 384837
Invoice Date 09/04/20
Client Number 14502
Matter Number 00041

Re: KATHRYN GAY

FOR PROFESSIONAL SERVICES RENDERED FROM 08/04/20 THROUGH 08/31/20:

TIMEKEEPER TIME SUMMARY:

Timekeeper	Hours	Rate	Value
-----	-----	-----	-----
PATRICK M. HARRINGTON	1.90	at \$290 =	551.00
TOTAL FEES			551.00
LESS DISCOUNT			-55.10
CURRENT FEES			495.90

TOTAL BALANCE DUE UPON RECEIPT \$495.90
=====

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Lockbox Number 825921
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Mt. Laurel, NJ 08054-3415

THE CHILDREN'S HOSPITAL OF PHILADELPHIA

Invoice Number 385700
Invoice Date 10/04/20
Client Number 14502
Matter Number 00041

Re: KATHRYN GAY

FOR PROFESSIONAL SERVICES RENDERED FROM 09/08/20 THROUGH 09/30/20:

TIMEKEEPER TIME SUMMARY:

Timekeeper	Hours	Rate	Value
-----	-----	-----	-----
PATRICK M. HARRINGTON	1.90	at \$290 =	551.00
TOTAL FEES			551.00
LESS DISCOUNT			-55.10
CURRENT FEES			495.90

TOTAL BALANCE DUE UPON RECEIPT \$495.90
=====

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THE CHILDREN'S HOSPITAL OF PHILADELPHIA

Invoice Number 388039
Invoice Date 12/06/20
Client Number 14502
Matter Number 00041

Re: KATHRYN GAY

FOR PROFESSIONAL SERVICES RENDERED FROM 11/13/20 THROUGH 11/30/20:

TIMEKEEPER TIME SUMMARY:

Timekeeper	Hours	Rate		Value
PATRICK M. HARRINGTON	2.30	at \$290	=	667.00
LAWRENCE G. MCMICHAEL	1.25	at \$750	=	937.50
TOTAL FEES				1,604.50
LESS DISCOUNT				-160.45
CURRENT FEES				1,444.05

TOTAL BALANCE DUE UPON RECEIPT \$1,444.05
=====

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THE CHILDREN'S HOSPITAL OF PHILADELPHIA

Invoice Number 388770
Invoice Date 01/09/21
Client Number 14502
Matter Number 00041

Re: KATHRYN GAY

FOR PROFESSIONAL SERVICES RENDERED FROM 12/01/20 THROUGH 12/31/20:

TIMEKEEPER TIME SUMMARY:

Timekeeper	Hours	Rate		Value
PATRICK M. HARRINGTON	21.50	at \$290	=	6,235.00
LAWRENCE G. MCMICHAEL	1.50	at \$750	=	1,125.00
TOTAL FEES				7,360.00
LESS DISCOUNT				-736.00
CURRENT FEES				6,624.00

TOTAL BALANCE DUE UPON RECEIPT \$6,624.00
=====

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THE CHILDREN'S HOSPITAL OF PHILADELPHIA

Invoice Number 389803
Invoice Date 02/10/21
Client Number 14502
Matter Number 00041

Re: KATHRYN GAY

FOR PROFESSIONAL SERVICES RENDERED FROM 01/02/21 THROUGH 01/31/21:

TIMEKEEPER TIME SUMMARY:

Timekeeper	Hours	Rate		Value
PATRICK M. HARRINGTON	37.10	at \$290	=	10,759.00
LAWRENCE G. MCMICHAEL	3.75	at \$750	=	2,812.50
KATHLEEN M. RODGERS	2.70	at \$140	=	378.00
TOTAL FEES				13,949.50
LESS DISCOUNT				-1,394.95
CURRENT FEES				12,554.55

TOTAL BALANCE DUE UPON RECEIPT \$12,554.55
=====

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THE CHILDREN'S HOSPITAL OF PHILADELPHIA

Invoice Number 391360
Invoice Date 03/23/21
Client Number 14502
Matter Number 00041

Re: KATHRYN GAY

FOR PROFESSIONAL SERVICES RENDERED FROM 02/01/21 THROUGH 02/28/21:

TIMEKEEPER TIME SUMMARY:

Timekeeper	Hours	Rate		Value
DANIELLE M. GOEBEL	16.50	at \$290	=	4,785.00
PATRICK M. HARRINGTON	51.00	at \$290	=	14,790.00
LAWRENCE G. MCMICHAEL	1.75	at \$800	=	1,400.00
TOTAL FEES				20,975.00
LESS DISCOUNT				-2,097.50
CURRENT FEES				18,877.50

TOTAL BALANCE DUE UPON RECEIPT \$18,877.50
=====

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THE CHILDREN'S HOSPITAL OF PHILADELPHIA	Invoice Number	393698
	Invoice Date	06/07/21
	Client Number	14502
	Matter Number	00041

Re: KATHRYN GAY

FOR PROFESSIONAL SERVICES RENDERED FROM 03/01/21 THROUGH 03/31/21:

TIMEKEEPER TIME SUMMARY:

Timekeeper	Hours	Rate		Value
DAVID A. RODKEY	2.10	at \$300	=	630.00
CLAIRE BLEWITT GHORMOZ	5.90	at \$300	=	1,770.00
DANIELLE M. GOEBEL	19.80	at \$290	=	5,742.00
PATRICK M. HARRINGTON	50.70	at \$290	=	14,703.00
LAWRENCE G. MCMICHAEL	5.50	at \$800	=	4,400.00
KATHLEEN M. RODGERS	1.90	at \$140	=	266.00
TOTAL FEES				27,511.00
LESS DISCOUNT				-2,751.10
CURRENT FEES				24,759.90

14502 THE CHILDRENS HOSPITAL OF PHILADELPHIA
00041 KATHRYN GAY
06/07/21

Invoice Number 393698
Page 2

FOR COSTS ADVANCED AND EXPENSES INCURRED:

Date		Value
-----		-----
02/23/21	INFORMATION SERVICES	0.00
	WESTLAW CHARGES	

	CURRENT EXPENSES	0.00
	TOTAL BALANCE DUE UPON RECEIPT	\$24,759.90
		=====

If you have a question regarding this invoice or your account, or if you wish to pay electronically, with a credit card or via overnight mail (UPS, FedEx, etc.), please contact the Accounts Receivable Dept. at 215-575-7107.

USPS MAILING ADDRESS:

DILWORTH PAXSON LLP
PO BOX 825921
PHILADELPHIA, PA 19182-5921

OVERNIGHT COURIER ADDRESS:

PNC BANK c/o DILWORTH PAXSON LLP
Lockbox Number 825921
525 Fellowship Rd., Suite 330
Mt. Laurel, NJ 08054-3415

THE CHILDREN'S HOSPITAL OF PHILADELPHIA	Invoice Number	393699
	Invoice Date	06/07/21
	Client Number	14502
	Matter Number	00041

Re: KATHRYN GAY

FOR PROFESSIONAL SERVICES RENDERED FROM 04/01/21 THROUGH 04/30/21:

TIMEKEEPER TIME SUMMARY:

Timekeeper	Hours	Rate		Value
-----	-----	-----	-----	-----
CLAIRE BLEWITT GHORMOZ	47.00	at \$300	=	14,100.00
DANIELLE M. GOEBEL	32.20	at \$290	=	9,338.00
PATRICK M. HARRINGTON	46.30	at \$290	=	13,427.00
LAWRENCE G. MCMICHAEL	0.25	at \$800	=	200.00
KATHLEEN M. RODGERS	14.30	at \$140	=	2,002.00
TOTAL FEES				39,067.00
LESS DISCOUNT				-3,906.70
CURRENT FEES				35,160.30

TOTAL BALANCE DUE UPON RECEIPT	\$35,160.30
	=====

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Lockbox Number 825921
525 Fellowship Rd., Suite 330
Mt. Laurel, NJ 08054-3415

THE CHILDREN'S HOSPITAL OF PHILADELPHIA	Invoice Number	394451A
	Invoice Date	06/30/21
	Client Number	14502
	Matter Number	00041

Re: KATHRYN GAY

FOR PROFESSIONAL SERVICES RENDERED FROM 05/03/21 THROUGH 06/30/21:

TIMEKEEPER TIME SUMMARY:

Timekeeper	Hours	Rate		Value
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CLAIRE BLEWITT GHORMOZ	6.10	at \$300	=	1,830.00
DANIELLE M. GOEBEL	14.10	at \$290	=	4,089.00
PATRICK M. HARRINGTON	35.00	at \$290	=	10,150.00
LAWRENCE G. MCMICHAEL	0.50	at \$800	=	400.00
KATHLEEN M. RODGERS	12.80	at \$140	=	1,792.00
TOTAL FEES				18,261.00
LESS DISCOUNT				-1,826.10
CURRENT FEES				16,434.90

USPS MAILING ADDRESS:

DILWORTH PAXSON LLP
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Lockbox Number 825921
525 Fellowship Rd., Suite 330
Mt. Laurel, NJ 08054-3415

THE CHILDREN'S HOSPITAL OF PHILADELPHIA	Invoice Number	395676
	Invoice Date	08/11/21
	Client Number	14502
	Matter Number	00041

Re: KATHRYN GAY

FOR PROFESSIONAL SERVICES RENDERED FROM 06/30/21 THROUGH 07/31/21:

TIMEKEEPER TIME SUMMARY:

Timekeeper	Hours	Rate		Value
DANIELLE M. GOEBEL	0.80	at \$290	=	232.00
PATRICK M. HARRINGTON	1.60	at \$290	=	464.00
TOTAL FEES				696.00
LESS DISCOUNT				-69.60
CURRENT FEES				626.40

TOTAL BALANCE DUE UPON RECEIPT	\$626.40
	=====

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PO BOX 825921
PHILADELPHIA, PA 19182-5921

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Lockbox Number 825921
525 Fellowship Rd., Suite 330
Mt. Laurel, NJ 08054-3415

THE CHILDREN'S HOSPITAL OF PHILADELPHIA	Invoice Number	397561
	Invoice Date	10/13/21
	Client Number	14502
	Matter Number	00041

Re: KATHRYN GAY

FOR PROFESSIONAL SERVICES RENDERED FROM 09/10/21 THROUGH 09/30/21:

TIMEKEEPER TIME SUMMARY:

Timekeeper	Hours	Rate		Value
DANIELLE M. GOEBEL	1.50	at \$290	=	435.00
PATRICK M. HARRINGTON	3.10	at \$290	=	899.00
TOTAL FEES				1,334.00
LESS DISCOUNT				-133.40
CURRENT FEES				1,200.60

TOTAL BALANCE DUE UPON RECEIPT	\$1,200.60
	=====

If you have a question regarding this invoice or your account, or if you wish to pay electronically, with a credit card or via overnight mail (UPS, FedEx, etc.), please contact the Accounts Receivable Dept. at 215-575-7107.

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PO BOX 825921
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Lockbox Number 825921
525 Fellowship Rd., Suite 330
Mt. Laurel, NJ 08054-3415

THE CHILDREN'S HOSPITAL OF PHILADELPHIA	Invoice Number	398316
	Invoice Date	11/05/21
	Client Number	14502
	Matter Number	00041

Re: KATHRYN GAY

FOR PROFESSIONAL SERVICES RENDERED FROM 10/05/21 THROUGH 10/31/21:

TIMEKEEPER TIME SUMMARY:

Timekeeper	Hours	Rate		Value
DANIELLE M. GOEBEL	0.80	at \$290	=	232.00
PATRICK M. HARRINGTON	1.20	at \$290	=	348.00
TOTAL FEES				580.00
LESS DISCOUNT				-58.00
CURRENT FEES				522.00

TOTAL BALANCE DUE UPON RECEIPT	\$522.00
	=====

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USPS MAILING ADDRESS:

DILWORTH PAXSON LLP
PO BOX 825921
PHILADELPHIA, PA 19182-5921

OVERNIGHT COURIER ADDRESS:

PNC BANK c/o DILWORTH PAXSON LLP
Lockbox Number 825921
525 Fellowship Rd., Suite 330
Mt. Laurel, NJ 08054-3415

THE CHILDREN'S HOSPITAL OF PHILADELPHIA	Invoice Number	399231
	Invoice Date	12/04/21
	Client Number	14502
	Matter Number	00041

Re: KATHRYN GAY

FOR PROFESSIONAL SERVICES RENDERED FROM 11/05/21 THROUGH 11/30/21:

TIMEKEEPER TIME SUMMARY:

Timekeeper	Hours	Rate		Value
DANIELLE M. GOEBEL	1.30	at \$290	=	377.00
PATRICK M. HARRINGTON	1.20	at \$290	=	348.00
TOTAL FEES				725.00
LESS DISCOUNT				-72.50
CURRENT FEES				652.50

TOTAL BALANCE DUE UPON RECEIPT	\$652.50
	=====

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PO BOX 825921
PHILADELPHIA, PA 19182-5921

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Lockbox Number 825921
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Mt. Laurel, NJ 08054-3415

THE CHILDREN'S HOSPITAL OF PHILADELPHIA	Invoice Number	400015
	Invoice Date	01/06/22
	Client Number	14502
	Matter Number	00041

Re: KATHRYN GAY

FOR PROFESSIONAL SERVICES RENDERED FROM 12/01/21 THROUGH 12/31/21:

TIMEKEEPER TIME SUMMARY:

Timekeeper	Hours	Rate		Value
DANIELLE M. GOEBEL	3.10	at \$290	=	899.00
PATRICK M. HARRINGTON	10.70	at \$290	=	3,103.00
LAWRENCE G. MCMICHAEL	0.60	at \$800	=	480.00
TOTAL FEES				4,482.00
LESS DISCOUNT				-448.20
CURRENT FEES				4,033.80

TOTAL BALANCE DUE UPON RECEIPT \$4,033.80
=====

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DILWORTH PAXSON LLP
PO BOX 825921
PHILADELPHIA, PA 19182-5921

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PNC BANK c/o DILWORTH PAXSON LLP
Lockbox Number 825921
525 Fellowship Rd., Suite 330
Mt. Laurel, NJ 08054-3415

THE CHILDREN'S HOSPITAL OF PHILADELPHIA	Invoice Number	401289
	Invoice Date	02/17/22
	Client Number	14502
	Matter Number	00041

Re: KATHRYN GAY

FOR PROFESSIONAL SERVICES RENDERED FROM 01/02/21 THROUGH 01/31/22:

TIMEKEEPER TIME SUMMARY:

Timekeeper	Hours	Rate		Value
DANIELLE M. GOEBEL	0.60	at \$290	=	174.00
PATRICK M. HARRINGTON	17.80	at \$290	=	5,162.00
LAWRENCE G. MCMICHAEL	1.75	at \$800	=	1,400.00
TOTAL FEES				6,736.00
LESS DISCOUNT				-673.60
CURRENT FEES				6,062.40

TOTAL BALANCE DUE UPON RECEIPT	\$6,062.40
	=====

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525 Fellowship Rd., Suite 330
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THE CHILDREN'S HOSPITAL OF PHILADELPHIA	Invoice Number	403622
	Invoice Date	05/08/22
	Client Number	14502
	Matter Number	00041

Re: KATHRYN GAY

FOR PROFESSIONAL SERVICES RENDERED FROM 03/01/22 THROUGH 04/30/22:

TIMEKEEPER TIME SUMMARY:

Timekeeper	Hours	Rate	Value
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PATRICK M. HARRINGTON	1.10	at \$290 =	319.00
TOTAL FEES			319.00
LESS DISCOUNT			-31.90
CURRENT FEES			287.10

TOTAL BALANCE DUE UPON RECEIPT	\$287.10
	=====

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Lockbox Number 825921
525 Fellowship Rd., Suite 330
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THE CHILDREN'S HOSPITAL OF PHILADELPHIA	Invoice Number	406395
	Invoice Date	08/06/22
	Client Number	14502
	Matter Number	00041

Re: KATHRYN GAY

FOR PROFESSIONAL SERVICES RENDERED FROM 07/13/22 THROUGH 07/31/22:

TIMEKEEPER TIME SUMMARY:

Timekeeper	Hours	Rate	Value
-----	-----	-----	-----
PATRICK M. HARRINGTON	1.90	at \$290 =	551.00
TOTAL FEES			551.00
LESS DISCOUNT			-55.10
CURRENT FEES			495.90

TOTAL BALANCE DUE UPON RECEIPT	\$495.90
	=====

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Mt. Laurel, NJ 08054-3415

THE CHILDREN'S HOSPITAL OF PHILADELPHIA	Invoice Number	407880
	Invoice Date	09/26/22
	Client Number	14502
	Matter Number	00041

Re: KATHRYN GAY

FOR PROFESSIONAL SERVICES RENDERED FROM 08/02/22 THROUGH 08/31/22:

TIMEKEEPER TIME SUMMARY:

Timekeeper	Hours	Rate		Value
-----	-----	-----	-----	-----
PATRICK M. HARRINGTON	14.20	at \$290	=	4,118.00
CATHERINE T. MORTON	1.20	at \$140	=	168.00
TOTAL FEES				4,286.00
LESS DISCOUNT				-428.60
CURRENT FEES				3,857.40

TOTAL BALANCE DUE UPON RECEIPT	\$3,857.40
	=====

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DILWORTH PAXSON LLP
PO BOX 825921
PHILADELPHIA, PA 19182-5921

OVERNIGHT COURIER ADDRESS:

PNC BANK c/o DILWORTH PAXSON LLP
Lockbox Number 825921
525 Fellowship Rd., Suite 330
Mt. Laurel, NJ 08054-3415

THE CHILDREN'S HOSPITAL OF PHILADELPHIA	Invoice Number	409500
	Invoice Date	11/12/22
	Client Number	14502
	Matter Number	00041

Re: KATHRYN GAY

FOR PROFESSIONAL SERVICES RENDERED FROM 09/01/22 THROUGH 10/31/22:

TIMEKEEPER TIME SUMMARY:

Timekeeper	Hours	Rate		Value
PATRICK M. HARRINGTON	1.60	at \$290	=	464.00
CATHERINE T. MORTON	1.40	at \$140	=	196.00
TOTAL FEES				660.00
LESS DISCOUNT				-66.00
CURRENT FEES				594.00

FOR COSTS ADVANCED AND EXPENSES INCURRED:

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Lockbox Number 825921
525 Fellowship Rd., Suite 330
Mt. Laurel, NJ 08054-3415

THE CHILDREN'S HOSPITAL OF PHILADELPHIA	Invoice Number	410169
	Invoice Date	12/04/22
	Client Number	14502
	Matter Number	00041

Re: KATHRYN GAY

FOR PROFESSIONAL SERVICES RENDERED FROM 11/03/22 THROUGH 11/30/22:

TIMEKEEPER TIME SUMMARY:

Timekeeper	Hours	Rate		Value
DANIELLE M. GOEBEL	10.90	at \$290	=	3,161.00
PATRICK M. HARRINGTON	22.90	at \$290	=	6,641.00
LAWRENCE G. MCMICHAEL	1.10	at \$800	=	880.00
TOTAL FEES				10,682.00
LESS DISCOUNT				-1,068.20
CURRENT FEES				9,613.80

TOTAL BALANCE DUE UPON RECEIPT \$9,613.80
=====

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14502 THE CHILDRENS HOSPITAL OF PHILADELPHIA
 00041 KATHRYN GAY
 02/14/23

Invoice Number 412281
 Page 2

FOR COSTS ADVANCED AND EXPENSES INCURRED:

Date		Value
-----		-----
01/20/23	EVEREST COURT REPORTING LLC - COURT REPORTING/TRANSCRIPTS PMH - DEPOSITION OF FRANK H. KING, M.D. TAKEN 1/9/23	2,426.77
	Total COURT REPORTING/TRANSCRIPTS	2,426.77
12/16/22	AMERICAN EXPRESS - FILINGS/RECORDINGS PMH/WILEY ON LINE LIBRARY-PURCHASE OF EXPERT PUBLICATION ON 12/12/22	59.00
12/16/22	AMERICAN EXPRESS - FILINGS/RECORDINGS PMH/ELSEVIER, INC-BOOK STORE-PURCHASE OF ARTICLE DRAFTED BY PLAINTIFF EXPERT ON 12/12/22	46.59
	Total FILINGS/RECORDINGS	105.59
	CURRENT EXPENSES	2,532.36

	TOTAL BALANCE DUE UPON RECEIPT	\$32,242.71
		=====

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Lockbox Number 825921
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Mt. Laurel, NJ 08054-3415

THE CHILDREN'S HOSPITAL OF PHILADELPHIA	Invoice Number	414056
	Invoice Date	04/15/23
	Client Number	14502
	Matter Number	00041

Re: KATHRYN GAY

FOR PROFESSIONAL SERVICES RENDERED FROM 03/01/23 THROUGH 03/31/23:

TIMEKEEPER TIME SUMMARY:

Timekeeper	Hours	Rate		Value
DOUGLAS M. WECK	67.10	at \$290	=	19,459.00
PATRICK M. HARRINGTON	52.15	at \$290	=	15,123.50
LAWRENCE G. MCMICHAEL	8.65	at \$290	=	2,508.50
TOTAL FEES				37,091.00
LESS DISCOUNT				-3,709.10
CURRENT FEES				33,381.90

TOTAL BALANCE DUE UPON RECEIPT	\$33,381.90
	=====

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PHILADELPHIA, PA 19182-5921

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THE CHILDREN'S HOSPITAL OF PHILADELPHIA	Invoice Number	416357
	Invoice Date	06/17/23
	Client Number	14502
	Matter Number	00041

Re: KATHRYN GAY

FOR PROFESSIONAL SERVICES RENDERED FROM 05/01/23 THROUGH 05/31/23:

TIMEKEEPER TIME SUMMARY:

Timekeeper	Hours	Rate		Value
DOUGLAS M. WECK	97.90	at \$290	=	28,391.00
PATRICK M. HARRINGTON	10.20	at \$290	=	2,958.00
LAWRENCE G. MCMICHAEL	36.25	at \$290	=	10,512.50
TOTAL FEES				41,861.50
LESS DISCOUNT				-4,186.15
CURRENT FEES				37,675.35

Invoice Number 416357
Page 2

FOR COSTS ADVANCED AND EXPENSES INCURRED:

Date		Value
-----		-----
05/26/23	CONNELL FOLEY, LLP - FILINGS/RECORDINGS LGM/MEDIATION FEE	1,797.50
	Total FILINGS/RECORDINGS	1,797.50
05/03/23	CONNELL FOLEY, LLP - MASTER ARBITRATION LGM MEDIATION FEE	3,000.00
	Total MASTER ARBITRATION	3,000.00

	CURRENT EXPENSES	4,797.50
	TOTAL BALANCE DUE UPON RECEIPT	\$42,472.85
		=====

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THE CHILDREN'S HOSPITAL OF PHILADELPHIA	Invoice Number	416562
	Invoice Date	06/22/23
	Client Number	14502
	Matter Number	00041

Re: KATHRYN GAY

FOR PROFESSIONAL SERVICES RENDERED FROM 06/01/23 THROUGH 06/15/23:

TIMEKEEPER TIME SUMMARY:

Timekeeper	Hours	Rate		Value
DOUGLAS M. WECK	117.60	at \$290	=	34,104.00
PATRICK M. HARRINGTON	39.00	at \$290	=	11,310.00
LAWRENCE G. MCMICHAEL	70.00	at \$290	=	20,300.00
TOTAL FEES				65,714.00
LESS DISCOUNT				-6,571.40
CURRENT FEES				59,142.60

14502 THE CHILDRENS HOSPITAL OF PHILADELPHIA
 00041 KATHRYN GAY
 06/22/23

Invoice Number 416562
 Page 2

FOR COSTS ADVANCED AND EXPENSES INCURRED:

Date		Value
-----		-----
06/07/23	MAUREEN MCHUGH, RPR - COURT REPORTING/TRANSCRIPTS DMW/DAILY TRIAL TRANSCRIPTS-DEPOSIT	4,800.00
	Total COURT REPORTING/TRANSCRIPTS	4,800.00
04/18/23	INFORMATION SERVICES	0.00
	WESTLAW CHARGES	
06/10/23	UNITED PARCEL SERVICE	14.21
	- UPS UPS Package shipped to: Maureen McHugh Maureen McHugh 815 Glenn Street PHILADELPHIA PA 191151 US by Weck UPS Tracking# : 1ZV6950RNT90359911	
	Total UPS	14.21

	CURRENT EXPENSES	4,814.21
	TOTAL AMOUNT OF THIS INVOICE	\$63,956.81
	PRIOR BALANCE DUE	\$211,871.81

	TOTAL BALANCE DUE UPON RECEIPT	\$275,828.62
		=====

If you have a question regarding this invoice or your account, or if you wish to pay electronically, with a credit card or via overnight mail (UPS, FedEx, etc.), please contact the Accounts Receivable Dept. at 215-575-7107.

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THE CHILDREN'S HOSPITAL OF PHILADELPHIA

Invoice Number 416859
Invoice Date 06/28/23
Due Date 07/28/23
Client Number 14502
Matter Number 00041

Re: KATHRYN GAY

FOR COSTS ADVANCED AND EXPENSES INCURRED:

Date		Value
-----		-----
01/01/23	MICHAEL SPAULDING-BARCLAY - EXPERT PMH/INVOICE FOR EXPERT SERVICES RENDERED THROUGH JANUARY 31,2023 IN CONNECTION WITH GAY V CHOP, ET AL	5,175.00
02/01/23	MICHAEL SPAULDING-BARCLAY - EXPERT PMH/INVOICE FOR EXPERT SERVICES RENDERED THROUGH FEBRUARY 28,2023 IN CONNECTION WITH GAY V CHOP, ET AL	11,137.50
03/01/23	MICHAEL SPAULDING-BARCLAY - EXPERT PMH/INVOICE FOR EXPERT SERVICES RENDERED THROUGH MARCH 31,2023 IN CONNECTION WITH GAY V CHOP, ET AL	337.50

14502	THE CHILDRENS HOSPITAL OF PHILADELPHIA	Invoice Number	416859
00041	KATHRYN GAY	Page	2
06/28/23			

Date		Value
-----		-----
05/01/23	MICHAEL SPAULDING-BARCLAY - EXPERT PMH/INVOICE FOR EXPERT SERVICES RENDERED THROUGH MAY 31,2023 IN CONNECTION WITH GAY V CHOP, ET AL	1,125.00
06/01/23	MICHAEL SPAULDING-BARCLAY - EXPERT PMH/INVOICE FOR EXPERT SERVICES RENDERED THROUGH JUNE 16,2023 IN CONNECTION WITH GAY V CHOP, ET AL	16,139.01
	Total EXPERT	33,914.01

	CURRENT EXPENSES	33,914.01

TOTAL BALANCE DUE UPON RECEIPT	\$33,914.01
	=====

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**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

KATHRYN GAY,

Plaintiff,

v.

CHILDREN'S HOSPITAL OF
PHILADELPHIA, ELENI LANTZOUNI,
JENNIFER LOUIS-JACQUES, MICHELE
ZUCKER, LEELA JACKSON, MORTIMER
PONCZ, AND ALAN R. COHEN

Defendants.

Case No. 2:18-cv-02880-NIQA

CERTIFICATE OF SERVICE

I, Patrick Harrington, Esquire, do hereby certify that the foregoing, Defendants' Motion for an Award of Attorneys' Fees and Costs and brief in support were filed electronically via the Court's electronic filing system on the date set forth below and, therefore, made available to all counsel of record.

Date: June 29, 2023

/s/ Patrick Harrington

Patrick Harrington, Esquire

Dilworth Paxson LLP

Attorneys for Defendants